

House Bill 1075 (AS PASSED HOUSE AND SENATE)

By: Representatives Chastain of the 7th, Gunter of the 8th, Smith of the 18th, Hagan of the 156th, Camp of the 135th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to procedure for sentencing and imposition of punishment, so as to provide for a
3 felony if an individual is convicted of four or more qualifying misdemeanor offenses; to
4 provide for punishment; to provide for evidentiary requirements; to provide for a definition;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
9 procedure for sentencing and imposition of punishment, is amended by adding a new Code
10 section to read as follows:

11 "17-10-3.2.

12 (a) As used in this Code section, the term 'qualifying misdemeanor' means any
13 misdemeanor conviction under Chapter 5 or 6 of Title 16 or any misdemeanor conviction
14 under the laws of any other state or of the United States of a crime which, if committed in
15 this state, would be a misdemeanor under Chapter 5 or 6 of Title 16.

16 (b) Upon conviction of a fourth or subsequent qualifying misdemeanor within a ten-year
17 period of time, as measured from the dates of previous arrests for which convictions were
18 obtained or pleas of nolo contendere were accepted to the date of the current arrest for
19 which a conviction is obtained or a plea of nolo contendere is accepted, the defendant shall
20 be deemed to have committed a felony and shall be punished by imprisonment of not less
21 than one year nor more than ten years. The first year of such sentence shall not be
22 suspended, probated, deferred, or withheld.

23 (c) Multiple qualifying misdemeanors occurring on a single date shall constitute only one
24 qualifying misdemeanor conviction for purposes of subsection (b) of this Code section.

25 (d) The preceding qualifying misdemeanors pursuant to subsection (b) of this Code section
26 shall be alleged in a separate count of the indictment that includes:

27 (1) A list of the preceding qualifying misdemeanor offenses;

28 (2) The dates of conviction for such offenses; and

29 (3) The jurisdictions where such offenses occurred.

30 (e) A certified copy of the judgment for a preceding qualifying misdemeanor shall be
31 prima facie evidence of such conviction."

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.